

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JASON C. CALLICOTTE, *et al*,
(SPN 01401470)

Plaintiffs,

vs.

ED GONZALEZ, *et al*,
Defendants.

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CIVIL ACTION NO. 4:20-cv-1369

JUDGE CHARLES ESKRIDGE

**PLAINTIFFS' AGREED MOTION TO DISMISS
ASHTON WILSON'S AND RONNIE WILLIAMS' CLAIMS**

On April 13, 2020, Plaintiffs filed their original complaint in the instant case pursuant to 42 U.S.C. section 1983 seeking (*inter alia*) (1) injunctive relief concerning Covid-19-related conditions of confinement at the Harris County Jail and (2) the appointment of counsel in connection therewith (Dkt. 1). On June 5, 2020 (according to Harris County's records), Plaintiff Ashton Wilson was released from jail. On June 17, 2020, the undersigned counsel was appointed to represent Plaintiffs (Dkt. 18). On July 16, 2020, this Honorable Court granted Plaintiffs' agreed motion requesting expedited mediation before the Magistrate Judge (Dkt. 36); the parties (minus the two plaintiffs at issue) subsequently reached an agreement that cannot be finalized in a timely manner without the relief requested herein. On August 13, 2020, this Honorable Court granted Plaintiffs' unopposed motion for leave to file their second amended complaint (Dkt. 44); there, Plaintiffs clarified the nature and scope of their request for injunctive relief. On or about October 29, 2020 (according to Harris County's records), Plaintiff Ronnie Williams was transferred to the custody of the Texas Department of Criminal Justice ["TDCJ"].

Mr. Wilson has orally agreed to dismiss his claims; the undersigned counsel (1) advised him that he has until the end of business on Monday, November 30, 2020 to retract said agreement and (2) will place a copy of this motion (and proposed order) in the mail to him at his confirmed address on Tuesday, December 1, 2020. Harris County agrees to said dismissal.

Mr. Williams did not contact the undersigned counsel during his confinement at the Harris County Jail and has not initiated any contact since his transfer to TDCJ. Neither the undersigned counsel nor counsel for Harris County have any reason to believe Mr. Williams will return to Harris County's custody at any time relevant to this case. Harris County agrees to this motion with respect to Mr. Williams based on its belief that he has no standing herein. Given the absence of any request for monetary damages, the absence of any such damages in the proposed settlement agreement, and the foreseeable lack of standing, the undersigned counsel respectfully avers the dismissal of Mr. Williams' claims will not prejudice him in any meaningful manner.

Based on the foregoing, Plaintiffs respectfully ask this Honorable Court to grant their motion to dismiss Ashton Wilson's and Ronnie Williams' claims from the instant case.

Respectfully submitted,

By: /s/ William Pieratt Demond
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ATTORNEY FOR PLAINTIFFS

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

My name is William Pieratt Demond, I am over 18 years of age, of sound mind, capable of making this unsworn declaration, and not disqualified from making these statements. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 1, 2020

By: 
William Pieratt Demond

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for Harris County concerning the foregoing motion, shared a copy of same (and the proposed order) before filing it, and that Harris County agrees therewith.

/s/ William Pieratt Demond
William Pieratt Demond

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon Defendants' counsel via email.

/s/ William Pieratt Demond
William Pieratt Demond